

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Derrell Jones

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

A.D.A. Caroline Schneider
Police officer Matthew DeNicola
Modica, D

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

AMENDED

**Complaint for Violation of Civil
Rights**
(Non-Prisoner Complaint)

Case No. _____

(to be filled in by the Clerk's Office)

16-CV-3140 (WFK) (VMS)

Jury Trial: ☐ Yes ☒ No

(check one)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ OCT 18 2016 ★
8:39 AM · RV.
BROOKLYN OFFICE

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

1

10-11-2016: Date Date of my Arrest occur?

Was March 26, 2016. Time: 18:00

Place of occur 88-44-162 street

Police officer Matthew De Nicola was the first officer on the scene when officer matthew Walked up to me and, my Wife We told Him that she fell into a gate, he ask me to move Back away from my Wife and Drop the scorf and put my hands, Behind my Back I did so and then he Punch me in my face for know reason at all after that they put me in a Van and asked my Wife What happended she told them the same thing I had said the first time so officer matthew got made and Have my Case to another officer Witch is officer P.O. Joseph Loiacono from the 103rd PCT officer matthew did not see anything happen that day he tied for the A.D.A. just to get me prosecuted for a favor for the A.D.A. thats not White here is Proof With the Motion to suppress Evidence obtained as a Result of an Unlawful Arrest... the A.D.A. Did not Answer the Motion Because I did not do anything to my Wife I should not have Been Arrested

2

10-11-2016: DATE This statement is for the A.D.A
A.D.A Caroline schneider Domestic Violence
Bureau

This District Attorney
This for Date 3-10-2016
is a Big Lier she told me if I would
finnish a Program she would Give me
and my Wif a limited order of Protection
for 90 days Witch is PL 215.50 family Court
order of Protection not a felony order,
just Because she had put the Wrong date
untit 2020 for five years she is making
the Court Believe that she has a full
felony stayaway order of Protection
she is not showing the order of Protection
to anyone, I am sending Proof of that order
of Protection, right as of now i am going
to a judge trial on the 3rd of November
Mounth With the same judge Who
granted my Motion to suppress by
Unlawful Arrest. Because they see that
the A.D.A Doesn't have anything on me
she in fact Did not Answer the Motion
Back Because my Wife told my Lawyer
the samthing I testified at the Grand
jury and said so I told the truth she
did not she just keep on lying to the Court
sending Proof of that

This is for 9-15-2016

10-11-2016: Date This statement is for the
judge: Modica, D.

I really feel the miss Modica can
do a Better job with my Case by
not allowing my Case in her Courtroom
after she looked at my Charges she is
still letting the District Attorney keep
my Case going in supreme Court Without
Proof that anything Happened at all,
so I really feel she can do a Lot
Better With my Case
judge: miss Modica, D

Actually Granted me a hearing on "Huntley"
and "Dunaway v. New York" and the A.D.A
did not Answer the Motion at all
to suppress Evidence obtained as a
Result of an Unlawful Arrest

I would like my freedom Back
Please Because this is not right

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Derrell Jones</u>
Street Address	<u>18-18-Hazen Street</u>
City and County	<u>East Elmhurst</u>
State and Zip Code	<u>New York 11370</u>
Telephone Number	<u></u>
E-mail Address	<u></u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>A.D.A Caroline Schneider</u>
Job or Title (if known)	<u>District Attorney</u>
Street Address	<u>125-01 Queens Blvd</u>
City and County	<u>Kew Gardens New York</u>
State and Zip Code	<u>11415</u>
Telephone Number	<u>(718) 286-5818</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name CAROLINE SCHNEIDER
Job or Title A.D.A
(if known)
Street Address 125-01 QUEENS BLVD
City and County Kew GARDENS,
State and Zip Code NEW YORK 11415
Telephone Number (718) 286-5818
E-mail Address _____
(if known)

Defendant No. 3

Name OFFICER MATTHEW DeNICOLO
Job or Title POLICE OFFICER
(if known)
Street Address 103 Precinct
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 4

Name Miss Modica, D
Job or Title ~~Judge~~ Judge
(if known)
Street Address Queens Supream Court
City and County Part K15
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4 AND 14th UNITED STATES CONSTITUTION
AMENDMENTS 4th AND 14th New York
CONSTITUTION Article 1, Section 12.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Court Part K15 April 1 2016

- B. What date and approximate time did the events giving rise to your claim(s) occur?

4/15/2016 Domestic Violence Court
Ramanded

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I should not have Been Arrested
But when the Arresting officer
saw my names the A.D.A WAS calling
the Police officer Phone SENDING
Proof of that

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

stressing me out
With lies

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting money damages in the amount of six Million dollars the Basis of my Claim is the loss of my Liberty, Property my Apartment my SSi income everything I ~~own~~ OWN

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-12, 2016

Signature of Plaintiff Derrell Jones

Printed Name of Plaintiff Derrell Jones